

Message Text

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ORIGIN DLOS-07

INFO OCT-01 PCH-08 ISO-00 EA-07 ARA-10 NEA-09 EUR-06 /048 R

66651

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R 221335Z AUG 74

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

CINCLANT

CINCPAC HONOLULU HI

AMEMBASSY SUVA BY POUCH

AMEMBASSY ATHENS BY POUCH

AMEMBASSY ANKARA BY POUCH

USINT ALGIERS BY POUCH

XMT USINT ALGIERS

AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BANJUL

AMEMBASSY CARACAS

AMEMBASSY NICOSIA

AMEMBASSY SUVA

C O N F I D E N T I A L STATE 184070

CINCLANT AND CINCPAC FOR POLADS

BEIRUT ALSO PASS BAGHDAD

DAKAR ALSO PASS BANJUL

FOLLOWING REPEAT CARACAS 8037 ACTION STATE INFO USUN NEW YORK

AUG 20, 1974

QUOTE C O N F I D E N T I A L CARACAS 08037

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FROM US DEL LOS

EO 11652: N/A

TAGS: PLOS

SUBJ: LOS WEEKLY ANALYTICAL SUMMARY, AUGUST 9-16.
DEPARTMENT PASS ALL US EMBASSIES EXCEPT CARACAS

1. SUMMARY. WHILE IT IS BY NO MEANS A REALIGNMENT, THERE IS A DISCERNIBLE TREND TOWARD A READJUSTMENT OF POLITICAL POSTURES. SOVIETS ARE NOT CONSULTING IN ADVANCE ON EAST EUROPEAN PROPOSALS WITH GROUP OF 5, ALTHOUGH SUBSTANCE DOES TEND TO TAKE INTO ACCOUNT ATTITUDES OF THE GROUP. UK AND FRANCE ARE EMPHASIZING EEC TIES, ALTHOUGH UK IS MORE COASTALLY ORIENTED THAN EEC, AND CONTINUES TO WORK CLOSELY WITH US. US HAS OPENED DIALOGUE WITH COASTAL STATEGROUP, TO OBVIOUS DELIGHT OF MODERATE LATINS AND POSSIBLE CANADIAN DISCOMFORT. AMB RALPH HARRY OF AUSTRALIA IS TRYING TO BUILD BRIDGES BETWEEN COASTAL STATE GROUP AND US, BUT OTHER MEMBERS OF AUSTRALIAN DEL SEEM MORE INTERESTED IN AUSTRALIA'S LDC CONNECTIONS. JAPAN IS WORRIED ABOUT IMPLICATIONS OF SOVIET BEHAVIOR, PERHAPS BECAUSE SHE FEARS GREATER US INDEPENDENT ACTION AS A RESULT. AFRICANS ARE BEGINNING TO SEEK PRIVATE MEETINGS WITH USDEL AT INCREASING RATE. AT SAME TIME, NIGERIA AND MAURITIUS HAVE BROKEN WITH AFRICAN SOLIDARITY TO SOME EXTENT, AND SOME ARABS ARE MEETING WITH US PRIVATELY. WE REGARD THESE DEVELOPMENTS AS SIGNIFICANT BECAUSE THEY PROBABLY REPRESENT PREPARATIONS FOR AS YET UNCLEAR NEGOTIATING ALIGNMENTS IN WHICH US WILL PROBABLY BE EXPECTED TO PLAY FACILITATING ROLE. THERE ARE INCREASING SIGNS OF TURKISH SUPPORT FOR US POSITIONS, AND POSSIBLY LOBBYING AMONG ARABS TO THIS EFFECT. END SUMMARY.

2. COMMITTEE I (DEEP SEABEDS). CI SUSPENDED MEETINGS IN EARLY PART OF WEEK IN ORDER TO ALLOW GROUP OF 77 TO DRAFT AND APPROVE NEW TEXT ON BASIC CONDITIONS OF EXPLOITATION, WHICH WAS INTRODUCED AUGUST 15. TEXT IS ESSENTIALLY ELABORATION OF ARTICLE 9 ALTERNATIVE SPONSORED BY GROUP OF 77. WHILE TEXT CONTAINS SEVERAL INTERESTING ELEMENTS, SUCH AS PROVISION FOR CONFIDENTIAL

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SECURING OF TENURE, COMPETITIVE SELECTION AMONG APPLICANTS AND PRIORITY OF OPERATOR TO MOVE INTO SUCCEEDING STAGES, IN ALL IMPORTANT RESPECTS, VIRTUALLY COMPLETE DISCRETION IS GRANTED AUTHORITY TO DETERMINE ACTUAL TERMS AND CONDITIONS OF CONTRACTUAL ARRANGEMENTS.

EIGHT MEMBERS OF EUROPEAN COMMUNITY (IRELAND DID NOT CO-SPONSOR) INTRODUCED DRAFT RULES AND REGULATIONS SIMILAR IN FORMAT TO US DRAFT. EC DRAFT, HOWEVER, INCLUDES QUOTA, ADVERTISING CLAIMS AND SELECTION BY AUTHORITY AMONG COMPETING CLAIMS. THUS, TOGETHER WITH US DRAFT, THERE ARE NOW THREE WORKING PAPERS BEFORE INFORMAL COMMITTEE.

IN NOW APPEARS THAT CI WILL UTILIZE REMAINDER OF SESSION BY

CREATING A WORKING GROUP. THERE APPEARS ON CONDITIONS OF EXPLOITATION AND ARTICLE 9 TO BE GENERAL UNWILLINGNESS AT THIS TIME TO DISCUSS THREE WORKING PAPERS IN DETAIL IN A LARGE COMMITTEE. APPROPRIATE OBJECTIVE OF US DEL'S EFFORTS IN COMING DAYS WILL BE TO GET AGREEMENT ON FAVORABLE ARRANGEMENTS FOR INTERSESSIONAL WORK, ALTHOUGH WE HAVE AS YET REACHED NO DECISION ON BEST FORMAT FOR SUCH ARRANGEMENTS.

3. COMMITTEE II.

A. MILITARY INSTALLATIONS ON CONTINENTAL SHELF. AFTER STRONG US PRIVATE REPRESENTATION TO MEXICO, ARGENTINA, AUSTRALIA, CANADA, AND OTHERS, MEXICO INTRODUCED PROPOSAL ON BEHALF OF OVER 30 COSPONSORS REQUIRING COASTAL STATE CONSENT FOR MILITARY INSTALLATIONS ON CONTENTAL SHELF IN LOW-KEY FASHION. ONLY OTHER CO-SPONSORS TO SPEAK WAS GUAYANA, WHICH SAID IT SUPPORTED MEXICAN PROPOSAL BECAUSE THIS WAS CORRECT INTERPRETATION OF CONTENTAL SHELF CONVENTION (PROBABLY IMPLYING THAT MEXICAN PROPOSAL COULD BE DROPPED, AND DISAGREEMENT OVER INTERPRETATION OF SHELF CONVENTION CONTINUED). US, UK, FRG, JAPAN, AND TURKEY SPOKE AGAINST MEXICAN PROPOSAL, URGING THAT QUESTION BE TAKEN UP IN ARMS CONTROL FORUM. URUGUAY SAID ARGENTINE PROPOSAL FOR COASTAL STATE CONTROL OVER INSTALLATION, WITHOUT MENTIONING MILITARY INSTALLATIONS SPECIFICALLY, WAS MORE APPROPRIATE.

B. ARCHIPELAGOS AND HISTORIC WATERS. IT IS PROBABLY QUITE SIGNIFICANT THAT INDONESIA DID NOT RPT NOT DEFEND PHILIPPINE POSITION ON HISTORIC TERRITORIAL WATERS BEYOND 12 MILES IN FACE
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WIDESPREAD OPPOSITION TO PHILIPPINES.

C. NEGOTIATION OF COMMITTEE II ISSUES. CHAIRMAN AGUILAR IS PRIVATELY TESTING IDEA THAT HE WILL PREPARE A SINGLE TEXT ON COMMITTEE II ISSUES WHICH OTHERS CAN AMEND. LONG DISCUSSION OF ISSUE HELD IN INDIVIDUAL EXPERTS (EVENSEN) GROUP. AUSTRALIA, MEXICO, VENEZUELA, AND ICELAND SUPPORTED IDEA, ALL URGING THAT EVENSEN GROUP QTE ASSIST ENDQTE AGUILAR. VENEZUELA SEEMED TO FAVOR A MAXIMUM OF TWO ALTERNATIVES ON EVERY ISSUE. PERU WAS HESITANT. USSR STRONGLY OPPOSED, WITH JAPAN, FRANCE, AND UK GENERALLY IN AGREEMENT WITH USSR. WHILE OSTENSIBLY FAVORING IDEA, CANADA SEEMED HESITANT. WHILE MEXICANS HAVE TOLD US AGUILAR SINGLE ARTICLE ON STRAITS WOULD FAVOR US, SOVIETS APPARENTLY BELIEVE THE OPPOSITE OR ARE USING STRAITS AS EXUSE FOR ACTUAL CONCERN ON OUTCOME IN FISHING OR OTHER ISSUES. CANADIANS APPARENTLY HAVE SAME INFORMATION WE DO, AND THIS MAY EXPLAIN THEIR HESITATION.

D. MEETING WITH QTE COASTAL STATE GROUP ENDQTE. US MEETING WITH CO-SPONSORS OF QTE COASTAL STATE GROUP ENDQTE (ARGENTINA, AUSTRALIA, CANADA, CHILE, COLOMBIA, ISELAND, INDIA, MAURITIUS, NEW ZEALAND, NORWAY, AND VENEZUELA - INDONESIA ABSENT) ON ECONOMIC ZONE WENT FAIRLY WELL. A MAJOR CONCERN OF GROUP

APPEARS TO BE CHARACTERIZATION OF COASTAL STATE RIGHTS OVER RESOURCES, WITH GROUP FAVORING QTE SOVEREIGN RIGHTS ENDQTE OVER LIVING AS WELL AS NON-LIVING RESOURCES. INTERESTING DEVELOPMENT WAS MILD STATEMENT OF WILLINGNESS TO ACCEPT IDEA OF FULL UTILIZATION, BUT WITH COASTAL STATE DECISION TO CHOOSE AMONG FOREIGN FISHING AND RIGHT TO REQUIRE INVESTMENT IN COASTAL STATE FISHERIES. NEXT MEETING SCHEDULED FOR AUGUST 19.

E. TUNA. AUSTRALIA-NEW ZEALAND PROPOSAL ON HIGHLY MIGRATORY SPECIES GOES FURTHER IN DIRECTION OF COASTAL STATES. USDEL CONSIDERING IMPLICATIONS OF CONSULTATION BETWEEN AUSTRALIA AND MICRONESIAN REPS ON USDEL ON TEXT BEFORE SUBMISSION.

4. COMMITTEE III.

A. POLLUTION. WHILE COMMITTEE DISCUSSION BOGGED DOWN ALMOST COMPLETELY, PRIVATE NEGOTIATING GROUP HEADED BY NORWEGIANS MADE CONFIDENTIAL

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SOME PROGRESS AND FINISHED AN ARTICLE ON OCEAN DUMPING WITH BRACKETS INDICATING DIFFERENCES OF OPINION. US ALSO SUBMITTED PROPOSALS TO EVENSEN GROUP FOR CONSIDERATION WHEN EVENSEN REDRAFTS SECTION ON POLLUTION. US MET TWICE WITH GROUP OF 17 IN CONTINUING ATTEMPTS TO REACH AGREEMENT ON COMMON ARTICLES THAT CAN BE SUBMITTED AS COUNTER TO COASTAL STATE PAPER. TENTATIVE DRAFT AGREED TO DATE INCLUDES UNBRACKETED TEXT ON MINIMUM SHELF STANDARDS (WITHOUT ISRA INSPECTION). IN GENERAL, ATTITUDE OF 17 HAS BEEN COOPERATIVE AND EFFORTS WILL CONTINUE TO REACH CONSENSUS. US HAD USEFUL MEETING WITH CANADIANS WITH FURTHER EXCHANGES OF VIEW AND INDICATIONS THAT CANADIANS INTERESTED IN REACHING AGREEMENT. DISCUSSION IN INDIVIDUAL EXPERTS (EVENSEN) GROUP ON POLLUTION WAS NON-CONCLUSIVE, BUT MODERATE ATMOSPHERE AND LACK OF OPPOSITION TO EXCLUSIVELY INTERNATIONAL VESSEL CONSTRUCTION STANDARDS (SUBJECT TO QTE DANGEROUS AREA ENDQTE TYPE EXCEPTION FOR CANADA, ETC), WERE PROMISING SIGNS. LATINS IN GROUP SEEM TO DESIRE QTE JURISDICTION ENDQTE OVER POLLUTION IN ECONOMIC ZONE, BUT THIS DOES NOT APPEAR TO INCLUDE FIXING CONSTRUCTION STANDARDS. ASIDE FROM US RESERVATION OF POSITION, THERE WAS VIRTUAL UNANIMITY IN FAVOR OF COASTAL STATE CONTROL OF DUMPING.

B. SCIENTIFIC RESEARCH. PROGRESS IN FORMAL WORKING GROUP WAS SLOW THIS WEEK DUE TO GROUP OF 77 INSISTANCE ON USING COMMITTEE TIME TO DEVELOP THEIR POSITION. CHAIRMAN MATTERNICH'S PLAN, HOWEVER, TO DEVELOP FOUR TRENDS APPEARS TO BE SUCCEEDING AND ARE EXPECTED TO BE INCLUDED IN MATTERNICH'S REPORT TO YANKOV. US POSITION CLEARLY REFLECTED IN TREND DEVELOPED BY GROUP HEADED BY NETHERLANDS.

5. DISPUTE SETTLEMENT. MAJOR DEVELOPMENT IN PRIVATE DISPUTE SETTLEMENT GROUP WAS BEGINNING OF ORAL ELABORATION OF

EXCEPTIONS TO COMPULSORY JURISDICTION AS FOLLOWS: HISTORIC BAYS
AND TERRITORIAL SEA (EL SALVADOR); BOUNDARIES BETWEEN NEIGHBORING
STATES (CANADA, VENEZUELA); WARSHIPS AND OTHER VESSELS AND
AIRCRAFT ENTITLED TO SOVERIGN IMMUNITY (US); QTE NORMAL ENDQTE
OF COASTAL EXERCISE OF COASTAL STATE JURISDICTION IN ECONOMIC
ZONE (CANADA). SOVIETS AND POLAND FAVORED REVERSE PROCESS OF
SPECIFYING ISSUES THAT WOULD BE SUBJECT TO COMPULSORY JURIS-
DICTION, OBVIOUSLY RFELECTING FACT THAT SOVIETS NOW ONLY HAVE
POSITIVE POSITION OVER FISHERIES AND DEEP SEABED. SOVIETS
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STRONGLY OPPOSED ANY INTERNATIONAL LITIGATION BETWEEN INDIVI-
DUALS AND STATES, BUT DID NOT OPPOSE TREND TOWARD PROCEDURE
FOR DISPUTE BETWEEN INDIVIDUALS AND SEABED AUTHORITY.
EGYPT PRIVATELY INFORMED US THAT EXCEPTION FOR MIDDLE EAST
ISSUES (PROBABLY TIRAN) COULD HELP CREATE POSITIVE EGYPTIAN
ATTITUDE ON COMPULSORY SETTLEMENT, BUT THEY DID NOT THINK
AFRICANS WOULD ACCEPT ANYTHING MORE THAN AN OPTIONAL PROTOCOL
DESPITE KENYA; NIGERIA, AND LIBERIA SUPPORT FOR COMPULSORY
SETTLEMENT. STEVENSON
UNQUOTE KISSINGER

NOTE BY OC/T: POUCHED THE ABOVE ADDRESSEES.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 27 JUL 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, COMMITTEE MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE184070
Document Source: ADS
Document Unique ID: 00
Drafter: D/LOS:SHMCINTYRE
Enclosure: DG ALTERED
Executive Order: N/A
Errors: n/a
Film Number: D740232-0938
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740889/abbryzuv.tel
Line Count: 244
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 17 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 APR 2002 by boyleja>; APPROVED <03 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS WEEKLY ANALYTICAL SUMMARY, AUGUST 9-16. DEPARTMENT PASS ALL US EMBASSIES EXCEPT CARACAS
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NICOSIA
SUVA

Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005